

15392 U.S. PTO
031604

For A Small Entity

Docket No. 787/007

Applicants : Chad John Kugler et al.
Filed : Concurrently Herewith
For : STOMACH REDUCTION METHODS AND APPARATUS

22390 U.S. PTO
10/802992


031604

EXPRESS MAIL CERTIFICATION

Express Mail Label Number EV132192843US

Date of Deposit March 16, 2004

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Mail Stop Patent Application, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Lillian Garcia

Mail Stop Patent Application
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER FOR
ORIGINAL PATENT APPLICATION

Sir:

Transmitted herewith for filing are the
[X] specification; [X] claims; [X] abstract; [X] executed
Declaration and Power of Attorney; [X] Print EFS Data Sheet;
[X] Nonpublication Request under 37 C.F.R. § 1.213(a) for the
above-identified patent application.

Also transmitted herewith are:

[X] 7 sheets of:

[] Formal drawings.

[X] Informal drawings. Formal drawings will be filed during the pendency of this application.

[] Certified copy of application

(country) (appln. no.) (filed)
from which priority is claimed.

[X] An assignment of the invention to Torax Medical, Inc.

[X] A check in the amount of \$40.00 to cover the recording fee.

[] Please charge \$40.00 to Deposit Account No. _____ in payment of the recording fee. A duplicate copy of this transmittal letter is transmitted herewith.

[] An information disclosure statement, a form PTO-1449, and cited references.

The filing fee has been calculated as shown below:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE				\$ 385.00
TOTAL CLAIMS	24 - 20 = 4	X	\$ 9 =	\$ 36.00
INDEPENDENT CLAIMS	4 - 3 = 1	X	\$ 43 =	\$ 43.00
[] MULTIPLE DEPENDENT CLAIMS		+	\$145 =	\$ 0.00
TOTAL				<u>\$ 464.00</u>

- [X] A check in the amount of \$464.00 in payment of the filing fee is transmitted herewith.
- [] Please charge \$_____ to Deposit Account No. _____ in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.
- [] This application is being filed unaccompanied by a filing fee. The appropriate filing fee will be paid in response to a Notice to File Missing Parts, pursuant to 37 C.F.R. § 1.53(f).
- [X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



Robert R. Jackson
Registration No. 26,183
Attorney for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Chad John Kugler et al.
Application : Not yet assigned Confirmation No. : Not yet
No. assigned
Filed : Herewith
For : STOMACH REDUTION METHODS AND APPARATUS
New York, New York 10020
March 16, 2004

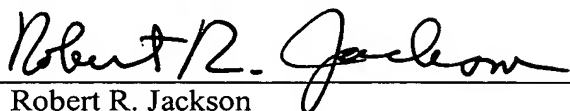
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NONPUBLICATION REQUEST
UNDER 37 C.F.R. § 1.213(a)**

Sir:

Pursuant to 37 C.F.R. § 1.213(a), applicants hereby request that the above-identified patent application, which is being filed concurrently herewith, not be published under 35 U.S.C. § 122(b). It is hereby certified that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Respectfully submitted,



Robert R. Jackson
Registration No. 26,183
Attorney for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000
Fax: (212) 596-9090